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Attorneys for Defendants
SIEMENS MEDICAL SOLUTIONS USA, INC.
and SIEMENS AKTIENGESELLSCHAFT

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NEUROGRAFIX, a California corporation;
WASHINGTON RESEARCH
FOUNDATION, a not-for-profit Washington
corporation,

Plaintiffs,

vs.

SIEMENS MEDICAL SOLUTIONS USA,
INC., a Delaware corporation; and
SIEMENS AKTIENGESELLSCHAFT, a
German corporation,

Defendants.

CASE NO. CV 10-1990 MRP(RZX)

**SIEMENS' NOTICE OF MOTION
AND MOTION FOR PARTIAL
SUMMARY JUDGMENT OF
INVALIDITY BASED ON
INDEFINITENESS OF
"CONSPICUITY" IN CLAIMS 1,
3, 7, 11, 12, 18, AND THEIR
ASSERTED DEPENDENT
CLAIMS IN U.S. PATENT NO.
5,560,360**

**The Hon. Mariana R. Pfaelzer
United States District Court Judge**

**Hearing Date: October 5, 2011
Time: 11 a.m.
Location: Courtroom 12**

1
2 SIEMENS MEDICAL SOLUTIONS USA,
INC.

3 Counterclaim Plaintiff,

4 vs.

5 NEUROGRAFIX, and WASHINGTON
6 RESEARCH FOUNDATION,

7 Counterclaim Defendants.

8
9 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

10 PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil
11 Procedure 56(c), Defendant and Counterclaim Plaintiff Siemens Medical Solutions
12 USA, Inc. and Defendant Siemens Aktiengesellschaft (collectively "Siemens"),
13 hereby move for Partial Summary Judgment of Invalidity Based on Indefiniteness of
14 "Conspicuity" in Claims 1, 3, 7, 11, 12, 18, and Their Asserted Dependent Claims in
15 U.S. Patent No. 5,560,360.
16

17
18 This motion is made in accordance with the Court's June 10, 2011 order
19 (D.I. 118) following the conference of counsel pursuant to Local Rule 7-3.
20

21 PLEASE TAKE FURTHER NOTICE that Siemens' motion is based on
22 this Notice of Motion, the Memorandum of Points and Authorities, Siemens'
23 Statement of Uncontroverted Facts and Conclusions of Law, and the supporting
24 Declaration of Sean M. McEldowney and exhibits filed herewith.
25
26
27
28

Respectfully submitted,

DATED: August 24, 2011

By: /s/ Sean M. McEldowney
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SIEMENS MEDICAL SOLUTIONS USA, INC.
and SIEMENS AKTIENGESSELLSCHAFT

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2011, a copy of the foregoing SIEMENS' NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY JUDGMENT OF INVALIDITY BASED ON INDEFINITENESS OF "CONSPICUITY" IN CLAIMS 1, 3, 7, 11, 12, 18, AND THEIR ASSERTED DEPENDENT CLAIMS IN U.S. PATENT NO. 5,560,360 was served upon counsel of record for Plaintiffs registered with the Court's CM/ECF system.

/s/Sean M. McEldowney